

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Gregory A O'Neal,

Plaintiff,

v.

Turns East,

Defendant.

CASE NO. 2:10-mc-00151-MJP

ORDER ON MOTION FOR
WARRANT OF ARREST

The Court, having received and reviewed Plaintiff's Motion for Warrant of Arrest (Dkt. No. 1), enters the following order:

IT IS ORDERED that the motion is denied and this matter is DISMISSED.

Plaintiff is engaged in litigation in the Southern District of Texas (O'Neal v. City of Missouri City, 4:10-CV-1905) and that court issued a subpoena *duces tecum* to Defendant Turns East who allegedly resides in this district. Plaintiff alleges that, although properly served with the subpoena, Defendant has failed to produce the material requested. Based on that failure to respond, Plaintiff requests that this Court issue a warrant for the arrest of Turns East.

1 There are at least two problems with Plaintiff's request. In the first place, no authority is
2 cited for the issuance of an arrest warrant for failure to comply with a subpoena *duces tecum*. In
3 the second place, the Court notes that, although the subpoena calls for Defendant to produce the
4 materials on July 15, 2010 in Missouri City, Texas, the Proof of Service indicates it was not
5 received by the process server until July 26, 2010 and was not served on Defendant until August
6 3, 2010. *See* Attachments to Motion, Dkt. No. 1. Even if the Court had the authority to arrest
7 individuals under these circumstances, it would be not be exercised where the party was not even
8 given the opportunity to comply lawfully.

9 The motion is DENIED and this matter is DISMISSED.

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11 The clerk is ordered to provide copies of this order to Plaintiff.

12 Dated this _21st_ day of January, 2011.

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16 Marsha J. Pechman
17 United States District Judge
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